IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 21285 of 2007(H)

PETITIONER:

THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT CORPORATION, THIRUVANANTHAPURAM, REPRESENTED BY DEPUTY LAW OFFICER, SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENT:

SRI.B.RAJAN, S/O.BALAKRISHNAN, PANAVILA VEEDU, EZHUKONE P.O., KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADVS. M/S. JUSTINE K.P. & N. ANANDARAJAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.21285/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE COMPLAINT NO.346/07 DATED 1.2.2007.**

EXT.P2 **TRUE COPY OF THE STATEMENT FILED ON BEHALF OF KSRTC DATED 11.6.2007.**

EXT.P3 **TRUE COPY OF THE ORDER OF THE KERALA LOK AYUKTA ON COMPLAINT NO.346/2007 DATED 11.6.2007.**

EXT.P4 **TRUE COPY OF THE JUDGMENT IN W.A. NO.289/2001 DATED 20.11.2002.**

EXT.P5 **TRUE COPY OF THE INTERIM ORDER IN CIVIL APPEAL NOS. 448 - 454/2002 DATED 29.8.2002 OF THE HONOURABLE SUPREME COURT.**

RESPONDENT'S EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 21285 OF 2007 H

Dated this the 5th September, 2007

JUDGMENT

Petitioner challenges Ext.P3 issued by the Lok Ayukta. The matter in issue is covered by a Judgment of this Court in W.P.(C). No.19040/07 N. I follow the said Judgment and declare that the Kerala Lok Ayukta has no jurisdiction to investigate and order any complaint regarding non-payment of DCRG and Commuted Value of Pension to the retired employees of KSRTC which is regulated by the Judgment in W.A. No.289/01. Consequently, Ext.P3 order is unsustainable and it is accordingly quashed. Even though the counsel for petitioner pointed out that there is notice issued by the Co-operative Society for recovery of the amount, as pointed out by the counsel for the Corporation, the proceeding has reached only the stage of a notice. Petitioner has anyway retired on 31.3.2004 and he would get the entire amount in terms of seniority itself without much delay.

The Writ Petition is allowed as above.

K. M. JOSEPH, JUDGE

kbk.